

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

ERNEST PIPPIN	)	
	)	CV. NO. 3:07-CV-613-MHT
v.	)	CR. NO. 3:06-CR-150-MHT
	)	
UNITED STATES OF AMERICA	)	

GOVERNMENT'S MOTION TO EXTEND TIME TO RESPOND TO  
ORDER ISSUED AUGUST 2, 2007

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama and, in response to the court order issued August 2, 2007, respectfully requests that the government be granted additional time to comply with the Court's Order.

The motion filed by the Petitioner sets out several grounds for ineffective assistance of counsel and a violation of his Constitutional rights by the Court. The Petitioner has not filed a memorandum of law in support of his motion and, in order to fully address the issues that appear to have been raised by the Petitioner's motion, the government requires transcripts of the plea hearing and the sentencing hearing.

On August 2, 2007, the United States requested an extension of time to permit the filing of transcripts of the plea hearing and sentencing hearing in the present case. As the Court recalls, the motion was granted and time extended until October 2, 2007.

The United States has received a copy of the affidavit filed by defense counsel, Walter M. Nortcutt and the transcript of the plea hearing. The United States, to date, has not received a copy of the sentencing hearing in this matter.

Because Pippin claims that violations of his Constitutional rights were committed by the Court, the transcript of the sentencing hearing is needed for the United States to fully comply with the Court's Order of July 3, 2007, dictating the context of its' response. The government requests additional time to allow Mr. Reisner to complete and file official transcripts of the respective hearings and an additional 30 days after said filings to file its response to Petitioner's motion.

Respectfully submitted this 2<sup>nd</sup> day of October, 2007.

LEURA G. CANARY  
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I, Susan R. Redmond, Assistant United States Attorney, hereby certify that I have served a copy of the foregoing on Ernest Pippin, prisoner number 11970-002, FMC - Ashland, Box 6001, Ashland, KY 41105, by depositing a copy of same in the United States mail, first class, postage prepaid, and properly addressed to him on this the 2<sup>nd</sup> day of October, 2007.

LEURA G. CANARY  
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